

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRAND MARKETING GROUP, LLC *doing
business as* THERMABLASTER,

Plaintiff,

12cv1572

ELECTRONICALLY FILED

v.

INTERTEK TESTING SERVICES NA, INC.
doing business as INTERTEK TESTING
SERVICES

Defendant.

SUPPLEMENTAL JURY INSTRUCTION

If you find that Defendant did not produce all of the Test Data Sheets for the trial, and that the Test Data Sheets were within Defendant's control, you may (but are not required to) apply an "adverse inference." When evidence is within the control of one party in a lawsuit, would be relevant and helpful to that party, and that party does not satisfactorily explain why it was not produced during the trial, you may find that the evidence would have been unfavorable to the Defendant if it had been produced.